

Order

Michigan Supreme Court
Lansing, Michigan

April 12, 2005

ADM File No. 2003-04

Proposed Amendment of
Rule 6.412 of the
Michigan Court Rules

Clifford W. Taylor
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Justices

On order of the Court, this is to advise that the Court is considering an amendment of Rule 6.412 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will be considered at a public hearing. The notices and agendas for public hearings are posted on the Court's website at www.courts.mi.gov/supremecourt.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Rule 6.412 Selection of the Jury

(A)-(E)[Unchanged.]

(F) Discrimination in the Selection Process

- (1) No person shall be subjected to discrimination during voir dire on the basis of race, color, religion, national origin, or sex.
- (2) Discrimination during voir dire on the basis of race, color, religion, national origin, or sex for the purpose of achieving what the court believes to be a balanced, proportionate, or representative jury in terms of these characteristics shall not constitute an excuse or justification for a violation of this subsection.

~~(F)~~(G) [Relettered but otherwise unchanged.]

Staff Comment: The April 12, 2005, proposed amendment of MCR 6.412(F) is new language that states that discrimination on the basis of race, color, religion, national origin, or sex during the selection process of a jury is prohibited even in cases where the purpose would be to achieve balanced representation. Former subrule (F) is relettered as (G).

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by August 1, 2005, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2003-04. Your comments and the comments of others will be posted at www.courts.mi.gov/supremecourt/resources/administrative/index.htm.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

Apr. 1 12, 2005

Angela Z. Meyer
Deputy Clerk